

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LENORA BROMFIELD,

*Plaintiff,*

-against-

BRONX LEBANON SPECIAL CARE CENTER,  
INC., et al,

*Defendants.*  
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1:16-cv-10047 (ALC) (SLC)

**ORDER**

**ANDREW L. CARTER, JR., District Judge:**

The Court is in receipt of *pro se* Plaintiff’s letter dated November 1, 2023, ECF No. 358, requesting an extension of time to file an “opposition to the defendants’ reply memorandum of law in support of defendants’ motion for summary judgment”, ECF No. 355. The Local Rules of this District provide for a motion, an opposition, and a reply. As such, Defendants’ motion for summary judgment is fully briefed.

A “[s]ur-reply is an additional reply to a motion filed after the motion has already been fully briefed.” USLegal.com, <http://definitions.uslegal.com/s/sur-reply/> (last visited November 3, 2023). There is no right to file a sur-reply under this District’s Local Rules, nor the Federal Rules. A party must first receive court authorization to file a sur-reply. “Allowing parties to submit surreplies is not a regular practice that courts follow, because such a procedure has the potential for placing a court in the position of refereeing an endless volley of briefs.” *Kapiti v. Kelly*, No. 07 CIV. 3782 RMB KNF, 2008 WL 754686, at \*1 (S.D.N.Y. Mar. 12, 2008), *aff’d*,

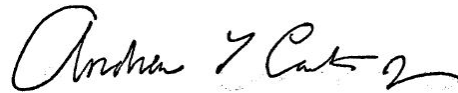
No. 07 CIV. 3782 RMBKNF, 2008 WL 1882652 (S.D.N.Y. Apr. 28, 2008) (citation and internal quotation marks omitted).

“[S]ur-replies are permitted when an opposing party raises arguments for the first time in a reply.” *Preston Hollow Cap. LLC v. Nuveen Asset Mgmt. LLC*, 343 F.R.D. 460, 466 (S.D.N.Y. 2023) (citing *Stepski v. M/V Norasia Alya*, No. 06-CV-1694 (JSG), 2010 WL 11526765, at \*1 (S.D.N.Y. Mar. 3, 2010)). “However, where a party requesting to submit a sur-reply was on notice of the opposing party’s argument or the party had ‘ample opportunity’ to address the argument, courts have denied leave to file a sur-reply.” *Id.* (citations omitted).

If Plaintiff wishes to request authorization to file a sur-reply to Defendants’ reply, ECF No. 355, she must first file a letter outlining the basis for her request. Plaintiff is directed to submit her letter seeking authorization by **November 9, 2023**.

**SO ORDERED.**

**Dated: November 3, 2023**  
**New York, New York**



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**ANDREW L. CARTER, JR.**  
**United States District Judge**